

## **Dayton Planning Board October 11, 2016**

**Members Present:** Dan Plourde, Bruce Reynolds, John Boissonnault, Darren Adams, Ryan Loshaw

**Town Employees Present:** Jim Roberts (CEO), Linda Bristol (Secretary)

**Public Present:** Steve and Lisa Morse, Kyle and Kaitlyn Mooers

### **Administrative:**

Meeting Minutes from the September 13, 2016, meeting were read. Darren Adams made a motion to accept the minutes. John Boissonnault seconded the Motion. All voted in favor.

### **Old Business:**

Wilderness Acres Subdivision. Dan asked for comments on Attorney Ordway's letter.

Bruce said it seems Zoning Ordinances are involved.

Dan said to the Morses that the way he recalled it, that they gifted their daughter a lot and another abutting lot. If another lot was to be sold to a third party it would require subdivision approval. That is what you are looking to do. As long as you have held the land five years it is okay.

Lisa said that Kaitlyn's three and seven acre lots are separate. There is a house on the three acre lot. If they sell, it would be the house and the three acre lot or possible both lots. When we went to sell another lot, David Ordway, indicated that the purchaser of the lot can convey a lot after five years without subdivision.

Lisa asked if they would lose the exemption on the three acre lot.

Dan said no, but five years is up in 2019 for the seven acre lot.

Kaitlyn said they are looking to sell their house in the spring. We want to settle this now so there are no problems when we sell.

Jim stated that the problem is that you can ask five lawyers the same question and get five different answers.

Jim said he is looking for the statute. You have to come back for a subdivision review.

Lisa said what they are asking for is the same laws that pertained to the Leblancs in 2004-2005.

Dan said that unfortunately that does not matter now.

Jim said zoning has changed for subdivisions.

Lisa asked what they need to do to settle this.

Jim stated that they need to come in with a revision to the subdivision to sell a lot. Just a revision for that lot.

Lisa asked if it needs to include their daughter's lot.

Jim said that is not an issue because it is exempt.

Lisa said they were told if they hold the land five years, they could do what they want. We just need to resolve this.

John said he understands their frustration.

Ryan said unfortunately there is not anything we can do tonight to resolve.

Lisa asked what they need to do for the subdivision revision.

Jim said he sent everything to Attorney Ordway the day after the meeting.

Kaitlyn said she thought Attorney Ordway would tell them what they needed to do.

Lisa stated it has been ten years and they want it resolved.

John said he feels for them and asked if we could have a special meeting possibly with Attorney Ordway.

Darren said that they can do things on their end without Attorney Ordway.

Dan said they need an application for subdivision revision.

Lisa said they might be spending money they don't need to. She is okay with getting the information by e-mail.

Dan said we could come in at 6 PM for the next meeting.

Lisa asked what they need to do for the application. They know that they need to widen the road to 20 feet.

Dan said that with the extra comment from Attorney Ordway, reopening all would trigger a violation.

Lisa what if we address three acre, seven acre, 15 acre, and 20 acre lots?

Dan said that is a major subdivision.

Jim that there are already two houses—Kaitlyn's and the Sawyer's.

Dan said with the third dwelling the road needs to be widened to 20 feet.

Lisa asked if they have to dig up what is there.

Jim said it makes no sense to do that. It has been there 10 years. But if you are talking three more lots that is a major subdivision.

Lisa said right now she can't sell. The lots gifted could be a problem. They are trying to make it so it can all be sold.

Kaitlyn asked the difference between a minor and major subdivision.

Jim stated it is the road.

Lisa said we can't keep doing this every five years.

Jim said they need revision only, not the whole subdivision. We all dropped the ball on this.

Lisa said and now they are paying for it. What if we are looking to fix what is there. There will be two more houses.

Kaitlyn said if someone bought the 35 acres and the seven acres, we would have to widen the road. An engineer could cost \$300,000. Can we file for a hardship?

Dan said the road should have been widened and with a third house it needs to be 20 feet.

Kaitlyn said the road now stops at the telephone pole on the seven acre lot.

Lisa said they know that they have to create a turn around near the Sawyer's.

Dan suggested revising the deed to carve out a turnaround. Jim agreed.

Dan said they don't have to widen all the way along the 250 foot frontage.

Lisa said they are to be told if a building permit is pulled on the Cushman lot so they can put a "stop work" order on it.

Jim said the Cushman right-of-way is not the same as yours.

Lisa said that it is.

John said that we talked about this at a meeting. If they could have gotten everyone to pitch in to widen the road, but that didn't happen.

Lisa said as long as they keep the building permits at three, they don't need to widen more than 20 feet. The third house would trigger road with turn around.

Dan said the title didn't clear because of all this.

Lisa said for the subdivision revision they need Brad to carve out the lots. Use the same application as for subdivision, but revision only.

Kaitlyn asked if they put the seven acre lot with the house and three acres, do they have to wait five years?

Jim said no. They could put a house on the 35 acres.

Kaitlyn said it may be easier to sell with 10 acres instead of three.

Lisa said they will go in with three, seven and 35 acres.

Bruce stated that would be the cleanest way to do it.

Kyle asked if the board has a book with road requirements.

Jim said it is all on line.

**New Business:**

Dan asked if there was any new business. None was brought up.

A motion to adjourn was made by John Boissonnault. Darren Adams seconded the motion. All voted in favor. The meeting adjourned at 8:00 PM.

The next meeting will be on October 25, 2016, regarding the Comprehensive Plan at 6:30 PM with the next regular meeting scheduled for November 15, 2016, at the Dayton Town Office.

Linda Bristol Date: 10/25/16

Linda Bristol, Secretary

Dan Plourde Date: 10-25-16

Dan Plourde, Chairman

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